

SENATE BILL 1617  
By Fowler

AN ACT to amend Tennessee Code Annotated, Section 6-51-102,  
relative to municipalities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-51-102(a), is amended by adding the following language as a new, appropriately designated subdivision:

( )(A) In counties having both ten (10) or more incorporated municipalities and a population in excess of two hundred fifty thousand (250,000) according to the 1990 federal census of population, or any subsequent federal census, an ordinance of annexation enacted by a municipality upon its own initiative shall not become operative prior to the expiration of the one hundred twenty (120) day period after final passage of such ordinance. If such ordinance of annexation would bring more than one-fourth (1/4) square mile of territory or more than three hundred (300) separate parcels of property within the boundaries of such municipality that will be subject to taxation by the municipality, then during such one hundred twenty (120) day period, the property owners within the territory proposed to be annexed may by petition require ratification of the ordinance by means of referendum of the property owners of such territory. Such petition shall be signed by at least ten percent (10%) of the total number of property owners within the territory proposed to be annexed and shall be filed with the county trustee and a copy filed with the county election commission. No fee shall be charged for the filing of the petition.

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(B) For the purpose of this subsection, an owner of property shall be deemed to be that person or entity of record that owes the property tax on a parcel. If more than one (1) person or entity is reflected on the property tax records, then each person so reflected shall be considered in determining the total number of property owners in the territory. Provided, however, any person or entity on record as owing taxes on more than one (1) parcel of property in the territory, whether individually or with others, shall be counted only once in determining the total number of property owners in the territory. Ownership of property shall be determined as of the date the petition is filed with the county trustee.

(C) While trusts, corporations, partnerships, unincorporated associations, limited liability companies and other such entities shall be considered an owner of property for the purpose of this subsection, immediately prior to or contemporaneous with the filing of a petition under this subsection, such entity shall file with the county trustee a writing designating the person who, on behalf of such entity, shall be entitled to sign the petition and vote in any referendum subsequently held. A copy of such written designation shall be filed with the county election commission. In the absence of such written designation, such entity shall still be deemed an owner of property in the territory for all purposes under this subsection, but such entity shall be disregarded in counting the number of property owners signing the petition and such entity shall not be allowed to vote in any referendum subsequently held.

(D) Such petition shall read substantially as follows:

“We do hereby respectfully request the holding of a referendum to vote on an ordinance of annexation of the City of \_\_\_\_\_ (Here insert name of municipality) as provided by law.”

(E) In signing such petition, each person shall insert his or her name, residential address and, if different from such person's residential address, the address of the real

property that such person owns within such territory. A person designated in accordance with subdivision (C) of this subsection to sign on behalf of an entity shall indicate the name of the entity on whose behalf the petition is signed. The petition may be in two (2) or more counterparts.

(F) Within forty-five (45) days of the filing of the petition, the trustee shall certify in writing to the county election commission:

(i) the percentage of the total number of property owners within the territory to be annexed that signed the petition; and

(ii) if the petition contains the requisite percentage of signatures, the names and addresses of all property owners within the territory proposed to be annexed.

(G) Within forty-five (45) days of the filing with the county election commission of the trustee's certification that the petition contained the requisite percentage of signatures, the county election commission shall verify the signatures in the petition and determine the percentage of the total number of property owners within the area to be annexed who signed the petition; provided, that the signatures of persons who are not registered to vote shall not be considered in determining whether the petition contains the requisite number of signatures. If the commission determines that the petition contains the requisite number of signatures, then within forty-five (45) days of such determination, an election shall be held by the county election commission in the territory proposed to be annexed. The question submitted to the property owners of the territory proposed to be annexed shall be "for annexation", or "against annexation". Only property owners certified to the commission by the trustee and registered to vote are qualified to vote. The county election commission shall promptly certify the results of the election. The municipality shall pay all expenses for the election.

(H) If the majority of votes in the election are cast “for annexation”, the ordinance shall become operative thirty (30) days after the date of the election; provided, however, such ordinance shall not become operative before the expiration of the one hundred twenty (120) day period following final passage of the annexation ordinance.

(I) If any petition does not contain the requisite percentage of signatures, then any person who would have those rights and privileges provided in Tennessee Code Annotated, Section 6-51-103, shall continue to have such rights and privileges, but only if a suit is filed within thirty (30) days following the trustee’s certification of the petition to the county election commission.

(J) Notwithstanding ratification of the annexation by referendum under the provision of this subdivision, the municipality shall be required to have a plan of services as required by subsection (b) of this section.

SECTION 2 . This act shall take effect upon becoming a law, the public welfare requiring it.

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